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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/330,519	06/11/1999	MICHAEL D. ELLIS	UV-52	9514

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EXAMINER

TRAN, HAI V

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/330,519

Applicant(s)

ELLIS ET AL.

Examiner

Hai Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-125 is/are pending in the application.
- 4a) Of the above claim(s) 1-50,57,59,82,84,107 and 109 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 51-56,58,60-81,83,85-106,108,110-125 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/21/2005 has been entered.

Response to Arguments

Applicant's arguments filed 04/21/2005 have been fully considered but they are not persuasive.

Applicant argues "At most, Matthews describes a system that pre-caches supplemental information based on "predictive viewing tendencies." Applicants submit, however, that Matthews' method of pre-caching based on predictive viewing tendencies does not anticipate supplemental data applicants' claimed approach of supplying in advance "when a user's actions in navigating through the interactive television program guide" are indicative of a potential upcoming need for supplemental data. In particular, nowhere in Matthews is the phrase associated with a user's "predictive viewing tendencies" actions in navigating through an interactive television program guide. Instead, the phrase merely conveys in a vague and unclear manner some method of predicting what the viewer will tend to view on television."

In response, the Examiner respectfully disagrees with Applicant because, a) Matthews discloses a system that pre-caches supplemental information based on "predictive viewing tendencies", see Col. 10, lines 7-9. b) Matthews further discloses "... this permits local interactive functionality between the viewer and the viewer computing unit, in addition to full network interactive functionality between the viewer and the program provider", see Col. 10, lines 10-13. c) Mathews further discloses while navigating through the EPG, the text description window 128 and the preview window 130 both automatically supplies corresponding supplemental data (from the pre-caches supplemental information based on "predictive viewing tendencies") related to the program that is highlighted by the focus frame 126 in the EPG grid 118, see Fig. 5; Col. 9, lines 34-45.

As such, Matthews meets the claimed limitation.

Applicant's arguments with respect to the combination between Shoff in view of Matthews have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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1. Claims 51, 52, 54-56, 58, 65-66, 68, 71-77, 79-81, 83, 90-91, 93, 96-102, 104-106, 108, 115-116, 118, 121-125 are rejected under 35 U.S.C. 102(e) as being unpatentable by Matthews, III et al. (US 6025837).

Claim 51, Matthews discloses an interactive television program guide system in which an interactive program guide is implemented on a user TV equipment of a plurality of users (Cached; Fig. 4, el. 104; Col. 8, lines 52-65+), comprising:

Local memory 96 that is configured to store program guide data for use by the interactive TV program guide (Col. 8, lines 52-65+); and

Remote memory (Fig. 1, el. 54) at a remote location 22 that is configured to store supplemental data for access by the interactive TV program guide (Fig. 2),

wherein when a user's actions in navigating through the interactive television program guide (EPG) are indicative of a potential upcoming need for a given portion of the supplemental data, the system automatically supplies the given portion of the supplemental data from the remote memory to the interactive TV program guide in advance of the upcoming need (Col. 9, lines 34-49 and Col. 10, lines 10-13).

Claim 52, Matthews further discloses a TV distribution facility (Fig. 1 and 3) configured to distribute TV programming to the users' equipment (Abstract; Col. 5, lines 40-65+).

Claims 54-56 and 79-81, Matthews further discloses

The supplemental data includes detailed program descriptions for at least some of the program listings (Col. 7, lines 9-20)

Program schedule listing stored in the local memory can be accessed more rapidly with IPG than the supplemental data stored in the remote memory (Col. 8, lines 52-65+);

Access supplemental data stored at the headend requires a second memory lookup (Col. 10, lines 15-30).

Claim 58, Matthews further discloses the user's actions with the interactive TV program guide involve viewing certain program listings (Matthews Col. 10, lines 6-65+).

Claims 65-66, Matthews further discloses wherein the supplemental data includes an Internet address; the IPG displays the Internet address as a link (Col. 10, lines 14-20);

Claim 68, Matthews (Col. 10, lines 5-65+) further discloses wherein the supplemental data is requested on-demand by the user's actions with the IPG;

Claims 71-75, Matthews further discloses wherein the supplemental data includes video clips, audio clips, still images, bitmaps (col. 5, line, 18 and 51); Trivia (Col. 53-58; Col. 11, lines 39-44); Advertisements (Col. 5, line 21).

Claim 76, the method is analyzed with respect to system claim 51.

Claim 77, the method is analyzed with respect to system claim 52.

Claim 83, the method is analyzed with respect to system claim 58.

Claims 90-91, the method are analyzed with respect to system Claims 65-66 respectively.

Claim 93, the method is analyzed with respect to system Claim 68.

Claims 96-100, the method are analyzed with respect to system Claims 71-75 respectively.

Claims 101-102, apparatus claims are analyzed with respect to method claims 51-52.

Claims 104-106, apparatus claims are analyzed with respect to method claims 54-56.

Claim 108, apparatus claim are analyzed with respect to method claim 58.

Claims 115-116, apparatus claim are analyzed with respect to method Claims 65-66.

Claim 118, apparatus claim is analyzed with respect to method Claim 68.

Claims 121-125, apparatus claim are analyzed with respect to method Claims 71-75.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 60-64, 67, 69, 70, 85-89, 92, and 94, 95, 110-114, 117, 119, 120 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews, III et al. (US 6025837) in view of Shoff et al. (US 6240555).

Claims 60-62, Matthews further discloses wherein the supplemental data includes an application (Col. 7, lines 15-21); wherein the application is user selectable option (Col. 10, lines 14-20; see Fig. 5, el. 140);

Matthews does not clearly disclose "wherein the application is launched automatically by the program guide".

Shoff discloses the application is launched automatically by the program guide (Col. 10, lines 18-58) for interactive purpose. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews with Shoff so to provide to users with surprising trivia game which quizzes the users as to possible outcomes of various scenes, and specifically, to entice users to participate along with the current program viewing in which users will experience an enjoyable way to view a TV program (Col. 10, lines 53-55).

Claims 63-64, 67, and 69, Shoff further discloses the supplemental data includes real-time information; the real-time information is overlaid on the TV program by the program guide on an on-going basis; wherein the supplemental data is displayed automatically by the program guide as soon as it is available (Col. 10, lines 53-58 and Col. 11, lines 59-65; Online Trivia game is real-time and is displayed as it is available).

Claim 70, Shoff further discloses wherein the supplemental data includes biographies. (Col. 11, line 30);

Claims 85-87, the method are analyzed with respect to system Claims 60-62 respectively.

Claims 88-89, 92, and 94, the method are analyzed with respect to system Claims 63-64, 67, and 69 respectively.

Claim 95, the method are analyzed with respect to system Claim 70.

Claims 110-112, apparatus claim are analyzed with respect to method Claims 60-62.

Claims 113-114, 117, 119 apparatus claim are analyzed with respect to method Claims 63-64, 67, 69.

Claim 120, apparatus claim are analyzed with respect to method Claim 70.

3. Claims 53, 78 and 103 are rejected under 35 U.S.C. 103(a) as being unpatentable Matthews, III et al. (US 6025837) in view of Davis (US 5559548).

Claim 53, Matthews discloses an apparatus and method of interactive program guide (IPG) as claimed, wherein the headend is configured to distribute TV programming to plurality of users as described in Abstract and Col. 5, lines 40-65+;

Remote memory is located at the headend (Fig. 1, el 44; Col. 7, lines 9-21, Col. 8, lines 5-20);

Matthews does not clearly disclose a main facility configured to provide program guide data to the headend for re-distribution to local memory. However,

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Matthews discloses a main facility configured to provide the supplemental data to the remote memory (Col. 9, lines 49-Col. 10, lines 13)

Davis discloses a main facility configured to provide program guide data to the headend for re-distribution to local memory (Col. 9, lines 39-49 and Col. 18-23). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews to include a main facility, as taught by Davis, so to enable distribution of program guides, advertisements and promotions from a central location to plurality remote locations while allowing insertion of schedule listings and additional information, i.e. commercials that are targeted to specific locales at the headend.

Claim 78, method claim is analyzed with respect to system claim 53

Claim 103, apparatus claim is analyzed with respect to system claim 53.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305.

The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HT:ht
07/07/2005


HAI TRAN
PRIMARY EXAMINER